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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,469	01/31/2002	Bernhard Mattes	10191/2109	3503
26646	7590	11/12/2003	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			DUNN, DAVID R	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 11/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/066,469

Applicant(s)

MATTES, BERNHARD

Examiner

David Dunn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

This Office Action is responsive to the amendment filed 9/11/03.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castagner et al. (FR 2807983) in view of Lu (6,097,287) and Faigle et al. (6,206,416).

Castagner et al. discloses a protective motorcycle suit comprising: at least one airbag (10); and means for coupling the at least one airbag to a trigger device attached to a motorcycle, the means for coupling including at least one radio station (3a, 3b) for data transmission. Castagner et al. also discloses a trigger device (8) adapted to be connected to the at least one sensor (1) and the radio station.

Castagner et al. shows a source of power (9) on the rider and fails to show at least one coil for receiving power or the radio station on the suit transmitting data to the trigger device.

Lu teaches a set of coils, one coil on the seat area of the motorcycle (34) and one on the motorcycle rider (24) used to transfer power to a device on the rider.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Castagner et al. with the teaching of Lu in order to provide a more reliable power source for the airbag.

Faigle teaches a vehicle safety system with a control unit having a transceiver (40; see Figure 1) and an airbag (60) having a transceiver (64; see Figure 2). The transceivers are bi-directional transmitters, i.e., the transceiver on the safety device can transmit to (90) and receive signals from (72) the control unit. See also column 4, lines 16-29.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Castagner et al. with the teachings of Faigle in order to allow the air bag to provide operability status to the control device in order to allow the system to provide warning in case of an operational problem.

With respect to claim 3, the Examiner takes Official Notice that it is old and well known to transmit in the microwave range (note application, paragraph bridging pages 1 and 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Castagner et al. in order to transfer information in the microwave range in order to avoid interference with other devices.

3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bultel et al (6,139,050) in view of Lu (6,097,287) and Faigle.

Bultel et al. discloses a protective motorcycle suit comprising: at least one airbag (7; see column 1, lines 35-40); and means for coupling the at least one airbag to a trigger device attached to a motorcycle, the means for coupling including at least one radio station (8; see also

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column 4, lines 54-60) for data transmission. Bultel et al. also discloses a trigger device (9) adapted to be connected to the at least one sensor (3a) and the radio station.

Bultel et al. fails to show a coil for transmitting power or the radio station on the suit transmitting data to the trigger device.

Lu teaches a set of coils, one coil on the seat area of the motorcycle (34) and one on the motorcycle rider (24) used to transfer power to a device on the rider.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bultel et al. with the teaching of Lu in order to provide a more reliable power source for the airbag.

Faigle teaches a vehicle safety system with a control unit having a transceiver (40; see Figure 1) and an airbag (60) having a transceiver (64; see Figure 2). The transceivers are bi-directional transmitters, i.e., the transceiver on the safety device can transmit to (90) and receive signals from (72) the control unit. See also column 4, lines 16-29.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bultel et al. with the teachings of Faigle in order to allow the air bag to provide operability status to the control device in order to allow the system to provide warning in case of an operational problem.

With respect to claim 3, the Examiner takes Official Notice that it is old and well known to transmit in the microwave range (note application, paragraph bridging pages 1 and 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bultel et al. in order to transfer information in the microwave range in order to avoid interference with other devices.

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4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Castagner et al. in view of Lu and Faigle as applied to claims 1-4 above, and further in view of Bomya et al. (6,552,662).

The combination of Castagner et al. and Lu is discussed above and fails to show means for detecting seat occupancy.

Bomya et al. teaches an airbag system using a coil (22) to detect seat occupancy (see column 3, lines 1-30; column 5, lines 22-23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Castagner et al., Lu and Faigle with the teachings of Bomya in order to easily allow the coil system to detect occupancy to properly operate the airbag suit.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bultel et al. in view of Lu and Faigle as applied to claims 1-4 above, and further in view of Bomya et al. (6,552,662).

The combination of Bultel et al., Lu, and Faigle is discussed above and fails to show means for detecting seat occupancy.

Bomya et al. teaches an airbag system using a coil (22) to detect seat occupancy by measuring a phase shift in the field of the coil (see column 3, lines 1-30; column 5, lines 22-23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Bultel et al., Lu, and Faigle in order to easily allow the coil system to detect occupancy to properly operate the airbag suit.

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*Allowable Subject Matter*

6. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Response to Arguments*

7. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

It is noted that Applicant states in the Amendment that a certified copy of the foreign priority application and verified English translation are included, however these documents were not found with the amendment.

*Conclusion*

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bothwell ( GB 1,524,022) shows a motorcycle device of interest.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Dunn whose telephone number is 703-305-0049. The examiner can normally be reached on Mon-Thur, alt. Fridays, 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1113.

A handwritten signature in black ink, appearing to read 'David Dunn', with a long horizontal line extending to the right.

David Dunn  
Examiner  
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